Pending Broadcast Applications Raising Character Issues

Ms. Powley has previously claimed a 51 percent partnership interest in Danville Television Partnership, the licensee of WDRL-TV, Facility Identification Number 15507, Danville, Virginia. Melvin N. Eleazer initially was represented to the Commission to be the 49 percent partner. Ms. Powley and Mr. Eleazer engaged in litigation with regard to this matter, however, as Mr. Eleazer claimed that Ms. Powley did not have a 51 percent partnership interest. In addition, Mr. Eleazer is now in bankruptcy, and one of the issues has been the ownership of Danville Television Partnership. Ms. Powley has thus far been unsuccessful in the litigation of her claim and has been found not to have a partnership interest. An application for consent to assignment of the license to Mr. Eleazar as debtor-in-possession was approved by the Commission on April 9, 2003, File No. BALCT-20010118ABI.

In April 1998, Ms. Powley filed a petition to deny an application seeking to transfer control of station W54BT, Roanoke, Virginia, from Mr. Eleazer to James Pridemore (File No. BTCTT-980217IA). W54BT is a translator for WDRL-TV. Ms. Powley's petition to deny raised serious allegations about misconduct, including misrepresentations to the Commission, by Mr. Eleazer. After reviewing Ms. Powley's allegations, the Mass Media Bureau's Enforcement Division sent a letter of inquiry with regard to the matters raised. *See Letter to BIP, Inc. and Danville Television Partnership*, Ref No. 1800C1-KMS, 98110416 (Norman Goldstein, Chief, Complaints and Political Programming Branch, Enforcement Division, February 9, 1999). That letter of inquiry included questions as to whether Ms. Powley might have acquiesced to or condoned Mr. Eleazer's misconduct by failing to report it to the Commission in a timely and thorough manner. On April 12, 1999, Ms. Powley filed a response to the letter of inquiry. Thereafter, in letter decisions dated April 30, 2001, the Commission's staff found no

misrepresentation or other disqualifying character defects. Both Ms. Powley and Mr. Eleazar filed petitions for reconsideration of the Commission's letter decisions, however, and those petitions remain pending.

In addition, Ms. Powley was the 50 percent member of B&C Kentucky, LLC, the prior licensee of WUPX(TV) (formerly WAOM(TV)), Facility ID No. 23128, Morehead, Kentucky. The license for that facility was assigned to Paxson Lexington Licensee, Inc. upon approval by the Commission, File No. BALCT-20000228AAG. On April 18, 2000, Mr. Pridemore submitted an Informal Objection to the assignment application, which he later supplemented. Therein, he alleged that B&C Kentucky, LLC had made various misrepresentations with regard to its main studio and its children's television programming reports. By *Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture*, DA 01-1108, released April 30, 2001, the Commission's staff granted the assignment application and assessed a forfeiture based upon its findings of violations of the Commission's main studio rule, public file rule and station identification rule, but made no findings of any misrepresentation by B&C Kentucky, LLC. Thereafter, on May 30, 2001, Mr. Pridemore submitted a petition for reconsideration of that decision, and his petition remains pending.

In connection with the court proceedings noted above, however, the parties have reached a settlement agreement whereby each of them has agreed to withdraw all petitions and allegations against other parties now pending before the Commission. On November 4, 2003, all parties to the pending proceedings joined in the filing of a "Joint Motion for Withdrawal" with regard to all pending petitions for reconsideration related to the matters described above. That motion is currently pending before the Commission.